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June 1, 2005

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*Admitted only in Maryland *Admitted only in Virginia •Practice Limited to Federal Agencies

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Art Unit 1647

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Utility Patent Application

Application No. 10/791,905; Filed: March 4, 2004

For: Human G-Protein Chemokine Receptor (CCR5) HDGNR10

Inventors: LI et al.

Our Ref:

1488.115000P/EKS/HCC

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Third Supplemental Information Disclosure Statement;
- 2. PTO Form 1449 citing 12 documents;
- 3. A copy of each of the 12 cited documents; and
- 4. One return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents June 1, 2005 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

(yaly h. hougsworth Helene C. Carlson #47,756

Agent for Applicants Registration No. 47,473

EKS/HCC/eaf Enclosures

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Confirmation No.: 3954

Li et al.

Art Unit:

1647

Appl. No.: 10/791,905

Examiner:

Turner, Sharon L.

Filed: March 4, 2004

Atty. Docket: 1488.115000P/EKS/HCC

For:

Human G-Protein Chemokine Receptor (CCR5) HDGNR10

Third Supplemental Information Disclosure Statement

Mail Stop Amendment

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Second Supplemental Information Disclosure Statement filed on March 4, 2005 in connection with the above-captioned application.

Applicants would like to bring to the attention of the Examiner that the documents listed on the accompanying PTO-1449 form are cited in the attached Supplementary Partial European Search Report dated April 13, 2005. A courtesy copy is attached.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

- 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being

	filed more tha	n three months after the U.S. filing date AND after the mailing date
	of the first O	ffice Action on the merits, but before the mailing date of a Final
	Rejection, or	Notice of Allowance, or an action that otherwise closes prosecution
	in the applicat	tion.
	☐ a.	Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each
		item of information contained in this Information Disclosure
		Statement was first cited in any communication from a foreign
		patent office in a counterpart foreign application not more than
		three months prior to the filing of this Information Disclosure
		Statement. 37 C.F.R. § 1.97(e)(1).
	□ b.	Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item
		of information in this Information Disclosure Statement was cited
		in a communication from a foreign patent office in a counterpart
		foreign application and, to my knowledge after making reasonable
		inquiry, was known to any individual designated in 37 C.F.R.
		§ 1.56(c) more than three months prior to the filing of this
		Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
	□ c.	Attached is our PTO-2038 Credit Card Payment Form in the
		amount of \$ in payment of the fee under 37 C.F.R. §
		1.17(p).
4 .	Filing under (37 C.F.R. § 1.97(d) This Information Disclosure Statement is being
	filed more that	an three months after the U.S. filing date and after the mailing date
	of a Final Rei	ection or Notice of Allowance, but before navment of the Issue Fee.

Enclosed find our PTO-2038 Credit Card Payment Form in the amount of

\$ in payment of the fee under 37 C.F.F	t. § 1.17(p); in addition:
a. Statement under 37 C.F.R. § 1.97 item of information contained in Statement was first cited in any patent office in a counterpart for three months prior to the filing Statement. 37 C.F.R. § 1.97(e)(1).	n this Information Disclosure communication from a foreign eign application not more than of this Information Disclosure
b. Statement under 37 C.F.R. § 1.97(of information in this Information in a communication from a foreig foreign application and, to my known inquiry, was known to any indivi- 1.56(c) more than three month Information Disclosure Statement.	Disclosure Statement was cited on patent office in a counterpart owledge after making reasonable idual designated in 37 C.F.R. § as prior to the filing of this
5. The document(s) was/were cited in a search report counterpart foreign application. Submission of the search report that indicates the degree of relevance is provided in satisfaction of the requirement relevance. 1138 OG 37, 38.	an English language version of rance found by the foreign office
☐ 6. A concise explanation of the relevance of the no appears below in accordance with 37 C.F.R. § 1.9	
7. Copies of documents AP21 to AL22 and AS64 to	AS67 are submitted.

□ 8.	Copies of the documents were cited by or submitted to the Office in an IDS that
	complies with 37 C.F.R. § 1.98(a)-(c) in Application No, filed
	, which is relied upon for an earlier filing date under 35 U.S.C.
	§ 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

9. It is expected that the examiner will review the prosecution and cited art in the parent application no(s). ***Par Appl number TE*** in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

for

Helene C. Carlson

Agent for Applicants Registration No. 47,473

Date: June 1, 2005

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

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FORM PTO-1449	FIRST NAMED INVENTOR		
	Li et al.		
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STATEMENT	March 4, 2004	1647	

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	AS	<u>65</u>	Database (UniProt, Acces	sion No. P01593, Titani,	, K., <i>et al</i> . (first	available 1986	5)
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	ATTY. DOCKET NO.	APPLICATION NO.	
	1488.115000P/EKS/HCC	10/791,905	
FORM PTO-1449	FIRST NAMED INVENTOR		
	Li et al.		
THIRD SUPPLEMENTAL INFORMATION DISCLOSURE	FILING DATE	ART UNIT	
STATEMENT	March 4, 2004	1647	

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	ATTY. DOCKET NO. 1488.115000P/EKS/HCC	APPLICATION NO. 10/791,905
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